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Larry I. Schwartz

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703/306-5648

Date: 3/17/04

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To: Michelle Bugbee **Recipient Fax:** 413-322-2575

From: Larry I. Schwartz
Administrator
Customer Service Center **Sender Fax:** 703-872-9301

Memo:

Attached is the filing receipt you requested.

FENSTER & COMPANY

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TO: EXAMINER ROSALIND S. KEARNEY FROM:

Carol Sonnen

Group Aet Unit 3739

FAX: +1-703-308-0758 TEL: 1-703-308-2711

PAGES: 1 + 4 DATE: MARCH 17, 2004

RE: USN 09/828,997; ZION AZAR, "METHOD OF
SELECTIVE PHOTOTHERMOLYSIS OR HAIR REMOVAL"
OUR REF. 127/02185

DEAR EXAMINER KEARNEY,

PURSUANT TO YOUR TELEPHONE CONVERSATION WITH
PAUL FENSTER, PLEASE FIND ENCLOSED THE 2
TERMINAL DISCLOSURES FOR THE ABOVE REFERENCED
APPLICATION.

Yours Sincerely
Carol Sonnen
PATENT ADMINISTRATOR

The document(s) accompanying this facsimile transmission contain confidential and/or privileged information from the firm of Fenster & Co. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents hereon is prohibited. If you have received this facsimile transmission in error, please contact us immediately so that we can retrieve the original document(s) at no cost to you. Thank you.

Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior PatentDocket No.
127/02185

In Re Application Of: Zion AZAR

Serial No.	Filing Date	Examiner	Group Art Unit
09/828,997	April 9, 2001	KEARNEY, Rosiland Stacie	3739

Invention: METHOD OF SELECTIVE PHOTOTHERMOLOYSIS OR HAIR REMOVAL

Owner of Record: RADIANCY INC.

TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 158 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,759,200. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

Paul Fenster

Signature

877-428-5468

Dated: March 17, 2004

Paul FENSTER, Registration No. 33,877

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged.
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
 127/02185

In Re Application Of: **Zion AZAR**

Serial No.
 09/828,997

Filing Date
 April 9, 2001

Examiner
 KEARNEY, Rosiland Stacie

Group Art Unit
 3739

Title:

METHOD OF SELECTIVE PHOTOTHERMOLYSIS OR HAIR REMOVAL

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Terminal Disclaimers over Patent Nos. 6,214,034 and 5,759,200

In the above identified application,

No additional fee is required.

A check in the amount of _____ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.

Charge the amount of \$110.00

Credit any overpayment.

Charge any additional fee required.

Paul Fenster
 Signature

Dated: **March 17, 2004**

Paul FENSTER, Reg. No. 33,877

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Tel: (212) 521-5400

CC:

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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